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SON LLP

MEMO ENDORSED

The International Corporate Center, 555 Theodore Fremd Avenue, Rye, NY 10580

April 12, 2013

VIA FACSIMILE

Honorable J. Paul Oetken
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

In light of Colony's potential motion to intervene (now due May 7), the parties shall confer and propose a revised schedule by May 14 (or competing proposed schedules, if necessary).

RE: Wells Fargo Bank, N.A. v. Bank of America, N.A., et. al.
Civil Docket for Case#: 11-cv-04062-JPO

SO ORDERED:

Dear Judge Oetken:

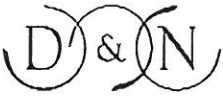

J. PAUL OETKEN 5-3-13

This firm represents the Third-Party Defendant Fidelity National Title Insurance Company ("Fidelity") in the above-referenced matter. We are in receipt of the Letter from Gregory Markel dated April 12, 2013 submitted on behalf of Third Party Plaintiff Bank of America, N.A. ("Bank of America"). We do not agree with Mr. Markel's recount of Fidelity's position.

The parties have conferred in good faith, but were not able to agree on a joint schedule. According to the Letter submitted by Bank of America, non-party ColFin MF Funding LLC ("Colony") intends to file a motion to intervene in the present action. Fidelity agrees that the proposed deadline for non-party Colony to file a motion to intervene should be April 30, 2013.

Should Colony file a motion to intervene by this deadline, Fidelity proposes the following schedule for the remainder of the case:

- Fact discovery (including fact witness depositions) deadline: 60 days after a decision on Colony's motion.
- Expert disclosures and exchange of expert reports due: 75 days after a decision on Colony's motion.
- Expert discovery (including expert depositions) deadline: 90 days after a decision on Colony's motion.
- Pre-motion letters regarding summary judgment due: 110 days after a decision on Colony's motion.
- Joint Pretrial Order due: 120 days after a decision on Colony's motion.



Should Colony fail to file a motion to intervene by this deadline, Fidelity proposes the following schedule for the remainder of the case:

- Fact discovery (including fact witness depositions) deadline: July 26, 2013
- Expert disclosures and exchange of expert reports due: August 2, 2013
- Expert discovery (including expert depositions) deadline: August 30, 2013
- Pre-motion letters regarding summary judgment due: September 13, 2013
- Joint Pretrial Order due: September 30, 2013

Fidelity respectfully requests that the Court approve this proposed schedule.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Kastner', with a long horizontal flourish extending to the right.

Jessica J. Kastner, Esq.
JBN/abr

cc: Gregory A. Markel, Esq. *via email*